

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WILLIAM and STACY SHIPP,

Plaintiffs,

v.

DONNA DONAHER, et al.,

Defendants.

CIVIL ACTION

No. 09-2475

MEMORANDUM/ORDER

This court has discovered a typographical error on page 31 of the opinion issued in this case on March 25, 2010 (docket no. 26). In discussing which counts would be dismissed with and without prejudice, the opinion states as follows:

Count 13 will be dismissed with prejudice because plaintiffs would be unable to state an antitrust injury in an amended complaint, and Count 15 must be dismissed with prejudice as pled against PNC [Bank, N.A.] and [James] Rohr, given that those defendants may not be considered debt collectors with regard to the SBA loan. By contrast, Counts 14 and 23, and Count 15 insofar as it applies to Tucker [Arensberg, P.C.] and [Donna] Donaher, are being dismissed for pleading deficiencies that may potentially be remedied by amendment of the complaint; those counts will accordingly be dismissed without prejudice.

To be consistent both with the analysis at pages 29-30 of the opinion, as well as with the order accompanying the opinion, the second of these sentences should refer to “the remaining defendants” instead of to Tucker and Donaher. The sentence will therefore be amended pursuant to Rule 60(a) of the Federal Rules of Civil Procedure, which permits this court to “correct a clerical mistake . . . whenever one is found in a judgment, order, or

other part of the record.”¹

AND NOW, this 1st day of April, 2010, it is hereby **ORDERED** that, on page 31, lines 10-11 of the opinion entered by this court in this matter on March 25, 2010 (docket no. 26), the words “Tucker and Donaher” are stricken and replaced with the words “the remaining defendants.”

BY THE COURT:

/s/Louis H. Pollak
Pollak, J.

¹ This change does not alter the disposition of the claims in the complaint as reflected in the order entered on March 25. It remains the case that (1) Counts 1-13, 16-22, and 24-29 are dismissed with prejudice as to all defendants; (2) Counts 14, 23, and 30-76 are dismissed without prejudice as to all defendants, and (3) Count 15 is dismissed with prejudice as it applies to PNC Bank, N.A. and James Rohr and without prejudice as it applies to the remaining defendants.